

**NEVADA DIVISION OF ENVIRONMENTAL PROTECTION**  
**END OF YEAR REPORT**  
**CLEAN WATER ACT SECTION 106**  
**I-97933611**

**Introduction:**

A Clean Water Act, Section 106 grant award was initially made to the Nevada Division of Environmental Protection (NDEP), Bureau of Water Quality Planning on May 27, 2010 (I-97933611). Additional awards for the FY11/12/13/14 funds were completed on July 11, 2011, June 19, 2012, July 16, 2013 and July 11, 2014. The total program funds awarded for this grant (FY10/11/12/13/14) are \$4,113,164. This review covers activities performed by NDEP during SFY15 (July 1, 2014 – June 30, 2015) and funded with FY14 funds.

The 106 funds support the Nevada water quality protection programs including water quality monitoring, water quality standards development, biological assessments, 208 plan review, TMDL development and stormwater inspections. The Grant agreement covers a budget and project period of 10/1/2010 to 9/30/2015. The required match under CWA 106 is an MOE level established during the fiscal year ending June 30, 1971. This review was completed off-site.

**Results of Review with Recommendations (success and findings):**

1. All tasks funded for SFY15 have been completed or are underway.
2. Equipment purchases for items costing more than \$5,000 using FY14 funds were approved. Equipment costing less than \$5,000 was approved. Approved equipment includes computers, hydrolab multiprobe, flow meter and 4 wheel drive pickup with camper shell for monitoring.
3. According to the Compass Data Warehouse, \$39,563 remains available for this grant.
4. Programmatic terms and conditions have been met.
5. Programmatic statutory and regulatory requirements have been met.

**Successes:**

The following are the State's CWA 106 grant workplan commitments and the current progress:

1. **Develop Phase 1 Storm Water Inspection Plan, report the number of permitted facilities and sites inspected and provide compliance/technical assistance and applicable enforcement.** (ongoing)  
Evaluation of this task will be included in the SFY15 evaluation of grant I-97933712.
2. **Issue State 401 Certification for Federal 404 permitted projects.** (complete)  
NDEP completed 56 reviews for 401 certification of Federal 404 permitted projects. In addition, 6 Community Development Block Grant reviews were completed.
3. **Water Quality Monitoring.** (complete)  
Nevada completes 5 types of water quality sampling:

- **Routine long term base sampling:** water quality samples were collected at long term sites in the Snake, Humboldt, Carson and Walker River basins and the Truckee River/Steamboat Creek and Lake Tahoe basins;
- **Rotational focus basin:** ambient water quality data collected in the focus basin sampling is used in establishing and assessing water quality standards. Samples were collected in the lower Humboldt River basin.
- **Special projects:** used to investigate new water quality standards. Pesticide sampling was completed in the Truckee River basin.
- **Bioassessment sampling throughout the State:** includes National Rivers and Streams Assessment (approximately 26 sites), targeted and reference (approximately 12 sites) and probabilistic sampling (approximately 4 sites); and
- **Lake sampling:** samples were not collected in SFY15.

#### 4. **Water Quality Assessments.** (ongoing)

- **2012 Integrated Report:** On August 4, 2014, EPA partially approved Nevada's 2012 Integrated Report. EPA disapproved Nevada's omission of Topaz Lake for mercury and added Topaz Lake to Nevada's Category 5 Waters.
- **2014 Integrated Report:** July-September, 2014 was spent updating the database and generating evaluation reports. The waterbody assessments and statistics were completed and the draft report was reviewed internally.
- **STORET:** Windsor Solutions initiated work on a new database for Nevada. The new system for Nevada will use a database developed for Wyoming as a starting point. Windsor provided NDEP with a pilot version that includes Wyoming data to work with and identify issues. The new database will provide easy data input into the EPA Exchange Network.

#### 5. **Water Quality Standards.** (ongoing)

- **Truckee River WQS:** In January, 2011, the Truckee River third parties initiated discussions with EPA and NDEP on potential revisions to the nutrient water quality standards and the TMDLs. As one of the downstream waters, Lahontan Reservoir has to be considered during the review process. NDEP started a concurrent review of the Lahontan water quality standards (see below). Throughout 2014, NDEP and the third parties held a series of focus group meetings to gather input from stakeholders on the process and model results. In April, 2014, the Pyramid Lake Paiute Tribe indicated that they were undertaking a review of their Truckee River water quality standards and requested NDEP delay action on the State's standards until the Tribe had completed their review. NDEP agreed to delay completion of the standards until such time that the Tribal review was completed. Project on hold until Pyramid Lake Paiute Tribe completes their review of the Truckee River standards.
- **Lahontan WQS:** The water quality standards for Lahontan Reservoir were initially established in 1984 and have not been reviewed since that time. In 2012, NDEP launched the review of these standards by conducting additional monitoring of the reservoir. Focus group meetings were held to discuss the draft recommendations. The review is on hold while NDEP decides best way to deal with the reservoir nutrient criteria.
- **Aquatic life temperature criteria:** Nevada's existing aquatic life temperature numeric criteria for both cold and warm water fisheries are in need of evaluation and possible revision. Most of the criteria were established in the early 1980s based on recommendations from the Nevada

Department of Wildlife and the U.S. Fish and Wildlife Service. NDEP is compiling temperature data throughout the state. Background materials on Nevada's temperature standards and temperature criteria development methodologies are being compiled. Watershed characteristics were derived for the monitoring sites and will be used to investigate relationships between stream temperatures and watershed characteristics. A workgroup of fisheries biologists was formed. A methodology to be used for deriving thermal tolerance values is under development.

- **Lake Tahoe nearshore water quality indicators:** Indicators were recommended and funding secured for pilot monitoring. Pilot monitoring continued. A draft report for the biologic community structure metrics (fish & crayfish, macroinvertebrates, macrophytes) was reviewed and comments provided to be addressed in the final report.
- **Water quality standards for streams in the Upper Humboldt River Basin and establish standards for South Fork Reservoir:** Revisions of stream criteria to current US EPA criteria were developed for existing streams. NDEP proposes adding Industrial Supply to what were formerly the Class A waters and adjusting reach descriptions for Green Mountain and Toyn Creeks. The Upper Humboldt River basin standards were approved by the State Environmental Commission on October 8, 2014 and the South Fork Reservoir on December 3, 2014. EPA approved the Upper Humboldt River standards' revisions on February 2, 2015 and the South Fork Reservoir on April 9, 2015.
- **Other water quality standards' reviews:** During SFY15, NDEP initiated review of the water quality standards for waterbodies located in the Lower Humboldt River basin in Elko, Eureka, Humboldt, Lander and Pershing Counties. NDEP will be proposing to update the beneficial uses and numeric criteria for certain Lower Humboldt River basin waterbodies. In addition, NDEP initiated evaluation of existing "natural condition" criteria for alkalinity, color, TDS and turbidity to determine feasibility of adopting numeric criteria for these parameters.
- **Triennial Review:** NDEP initiated its triennial review process in March, 2015. Public workshops were conducted, public comments received and responded to and NDEP issued its final list of water quality standards' review activities for the next few years.

## 6. Total Maximum Daily Loads. (ongoing)

**Implement Lake Tahoe TMDL for fine sediment and nutrients:** The Lake Tahoe TMDL was approved on August 17, 2011. NDEP is moving forward with implementation plans and tools.

- **Interlocal Agreements (ILAs):** NDEP monitored Nevada Urban Implementer's activities and compliance with obligations and commitments contained in the ILAs.
  - **Stormwater Load Reductions Plans (SLRPs):** Draft Sediment Load Reduction Plans were submitted by Washoe and Douglas counties and NDOT in August, 2014. Final SLRPs were submitted by each jurisdiction. NDEP worked with the jurisdictions on minor clean up issues with the SLRPs. The SLRPs are final and NDEP issued letters of approval to the jurisdictions.
  - **Lake Clarity Crediting Program:** No registration activity due to revision to the Crediting Program Tools and process. The Crediting Program Handbook was updated to reflect revisions to policies and process refinements and enhancements that were born from the Stormwater Tools Improvement Project (activities described below). NDEP staff worked with contractor to complete the updates thru multiple draft iterations.

Version 2 of the Handbook was released to the public and rolled out to users in August 2015.

- **Annual Stormwater Reports:** Each Urban Implementer submitted annual stormwater reports summarizing their annual activities and progress by the March 15 deadline. NDEP reviewed and approved the reports.
- **Stormwater Monitoring Program:** A scientific assessment report was provided in August 2014. Concurrent with the Annual Stormwater Reports, Urban Implementer's submitted a WY2014 Monitoring Report summarizing monitoring activities and preliminary results. NDEP also reviewed and commented on a draft RSWMP Framework and Implementation Guidance Document provided in March 2015.
- **Stormwater Tools Improvement Project:** Most Tier 1 and Tier 2 improvements under the LCCP Stormwater Tools Improvement grant were completed. The PLRM, BMP RAM, Road RAM and CAP were released for user testing. The contractor revised the stormwater tools to resolve issues identified during testing. Contractor also completed an update to the Lake Tahoe TMDL Land Use layer resulting in more efficient processing of PLRM and more accurate results. Tools user manual documentation was updated to reflect modifications. The updated tools were finalized and rolled out to users in August 2015. A draft workplan for hosting and maintenance support of online tools was crafted.
- **TMDL Management System:** The Handbook specifying the coordinated set of operational procedures by which the TMDL Program will be managed through time was crafted and reviewed with Lahontan and Water Board Executives. After addressing their feedback, the Handbook was accepted and approved by the TMDL Program Agencies at the end of the 2014 calendar year. Tracking and reporting protocols for the nonurban source categories were finalized. The TMDL Online Interface was developed and is up and running. One complete Management System cycle was piloted over the course of the year during which all system elements and the following deliverables were executed and released to the public:
  - TMDL Performance Report (2014 and 2015)
  - 2015 TMDL Annual Strategy
  - 2014 Finding and Recommendations Memo
  - 2014 Program Review Meeting
  - 2014 Decision Record Memo

Overall Findings: NDEP performed satisfactorily.

## Resolution Plan and Timing

None

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